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P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

M. Gau

Application No.: 10/060,862

Filed: January 30, 2002

For: **INTERVERTEBRAL NUCLEUS PROSTHESIS AND SURGICAL PROCEDURE FOR IMPLANTING THE SAME**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to BOX MISSING PARTS, Commissioner for Patents, Washington, D.C. 20231 on June 11, 2002.

By: Carol Prentice

Carol Prentice

BOX MISSING PARTS

Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Dear Sir:

Prior to the calculation of the filing fee and examination of the above-referenced U.S. patent application, please amend the application as follows:

IN THE CLAIMS:

Cancel claims 1-9 and substitute the following new claims 10-22 therefor:

- a
- 10. Intervertebral nucleus prosthesis consisting of at least one spherical body movable in two directions of a plane and made of a rigid, non-oxidizing, biocompatible material, with a diameter adapted to a biological nucleus, said spherical body being mounted non-displaceably but